

WSR 13-22-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-275—Filed October 23, 2013, 4:59 p.m., effective October 23, 2013, 4:59 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule change is to adjust dates in special permit hunts that are used to address agricultural damage by elk as well as population control. The initial dates filed were unable to be implemented because of restrictions imposed due to fire danger. This is a matter of economic public welfare for impacted Washington citizens. The purpose of this emergency rule change is to adjust a date in general season hunt that is used to address agricultural damage by elk as well as population control. The initial date filed was incorrect. This is a matter [of] economic public welfare for impacted Washington citizens.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-358 and 232-28-360.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department will address these corrections as a permanent rule change during the regularly scheduled 2014 rule development process, but the changes are needed immediately to address agricultural damage for the remainder of 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 22, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-35800A 2013 elk general seasons and definitions Notwithstanding the provisions of WAC 232-28-358:

1) Under the Late Archery General Elk Season for Eastern Washington category title, please substitute the following dates in the table for GMUs 203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange:
Oct. 26-Nov. 15

NEW SECTION

WAC 232-28-36000F 2013 Elk special permits Notwithstanding the provisions of WAC 232-28-360:

1) Under 65+ Senior category, the Toledo hunt date should be changed to Nov. 18-26.

2) Under 65+ Senior category, the first Centralia Mine hunt date should be changed to Jan. 4-5, and the second Centralia Mine hunt should be changed to Jan. 11-12.

3) Under the Hunters with Disabilities category, the Toledo hunt date should be changed to Nov. 18-26.

4) Under the Master Hunter category title, please add the following language;

Any legal weapon may be used while hunting the following hunts unless otherwise specified or required by the Hunt Coordinator. Only one animal may be taken under this special permit opportunity. For those special permit hunts allowing the purchase of a second deer tag, hunters can use either their first or second deer tag but are allowed to kill only one animal under the authorization of the special permit. If a hunter uses their general deer tag and kills and tags an animal under this special permit, the second tag may not be used for the general hunting season.

5) Under Master Hunter Elk Hunts, the 5th column in the table should read "2nd Tag Allowed" (not "2nd Tag Required").

6) Under the Master Hunter Category, the first Toledo hunt date should be changed to Nov. 18-26.

WSR 13-22-006

EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed October 24, 2013, 9:08 a.m., effective October 26, 2013]

Effective Date of Rule: October 26, 2013.

Purpose: The department is amending WAC 388-106-0300 and 388-106-0305 in order to continue dental services under the COPES waiver as required by the legislature in 2011. The department received approval for this action from the Centers for Medicare and Medicaid in 2012. The 2013 legislature restored adult dental services to the medicaid state plan effective January 1, 2014, so this emergency will expire on December 31, 2013.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0300 and 388-106-0305.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency filing is necessary in order to preserve public health by continuing dental services available under the COPES waiver. The emergency filing is also necessary to officially implement a requirement of the 2011 budget. The 2013 legislature restored adult dental services to the medicaid state plan effective January 1, 2014, so this emergency will expire on December 31, 2013. This CR-103E supersedes the CR-103E filed on June 27, 2013, at WSR 13-14-037.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: October 14, 2013.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-15-087, filed 7/18/12, effective 8/18/12)

WAC 388-106-0300 What services may I receive under community options program entry system (COPES) when I live in my own home? When you live in your own home, you may be eligible to receive only the following services under COPES:

(1) Personal care services as defined in WAC 388-106-0010 in your own home and, as applicable, while you are out of the home accessing community resources or working.

(2) Adult day care if you meet the eligibility requirements under WAC 388-106-0805.

(3) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage.

(4) Home delivered meals, providing nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

(5) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands-on personal care;

(b) Are beyond the amount, duration or scope of medicaid reimbursed home health services as described in WAC 182-551-2120 and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace medicare home health services.

(6)(a) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if:

(i) You live alone in your own home;

(ii) You are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time; or

(iii) No one in your home, including you, can secure help in an emergency.

(b) A medication reminder if you:

(i) Are eligible for a PERS unit;

(ii) Do not have a caregiver available to provide the service; and

(iii) Are able to use the reminder to take your medications.

(7) Skilled nursing, if the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100.

(8) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, if the items are:

(a) Medically necessary under WAC 182-500-0700;

(b) Necessary for: Life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live;

(c) Directly medically or remedially beneficial to you; and

(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare.

(9) Training needs identified in CARE or in a professional evaluation, which meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(10) Transportation services, when the service:

(a) Provides access to community services and resources to meet your therapeutic goal;

(b) Is not diverting in nature; and

(c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community.

(11) Nurse delegation services, when:

(a) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;

(b) Your medical condition is considered stable and predictable by the delegating nurse; and

(c) Services are provided in compliance with WAC 246-840-930.

(12) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

(a) Nursing assessment/reassessment;

(b) Instruction to you and your providers;

(c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.

(e) File review; and/or

(f) Evaluation of health-related care needs affecting service plan and delivery.

(13) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to set up your own home. Services:

(a) May include: Safety deposits, utility set-up fees or deposits, health and safety assurances such as pest eradication, allergen control or one-time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution; and

(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

(14) Adult day health services as described in WAC 388-71-0706 when you are:

(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714 and:

(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;

(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and

(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment.

(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met.

(c) You are not eligible for adult day health if you:

(i) Can independently perform or obtain the services provided at an adult day health center;

(ii) Have referred care needs that:

(A) Exceed the scope of authorized services that the adult day health center is able to provide;

(B) Do not need to be provided or supervised by a licensed nurse or therapist;

(C) Can be met in a less structured care setting;

(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;

(E) Live in a nursing home or other institutional facility; or

(F) Are not capable of participating safely in a group care setting.

(15) Adult comprehensive dental services as defined in WAC 388-182-1050 through 182-535-1550, when you are age twenty-one or older and the service is not covered by medicaid state plan services.

(a) The services do not include crowns, endodontics, orthodontics, and oral surgeries not related to preventive or restorative oral health.

(b) All payments to providers will be made by the health care authority under chapter 182-535 WAC.

AMENDATORY SECTION (Amending WSR 12-15-087, filed 7/18/12, effective 8/18/12)

WAC 388-106-0305 What services may I receive under COPEs if I live in a residential facility? If you live in one of the following residential facilities: A licensed boarding home contracted with the department to provide assisted living, enhanced adult residential care, enhanced adult residential care-specialized dementia care or an adult family home, you may be eligible to receive only the following services under COPEs:

(1) Personal care services as defined under WAC 388-106-0010.

(2) Specialized durable and nondurable medical equipment and supplies under WAC 388-543-1000, when the items are:

(a) Medically necessary under WAC 388-500-0005; and

(b) Necessary: For life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live; and

(c) Directly medically or remedially beneficial to you; and

(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare; and

(e) In addition to and do not replace the services required by the department's contract with a residential facility.

(3) Training needs identified in CARE or in a professional evaluation, that are in addition to and do not replace the services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

(a) Adjusting to a serious impairment;

(b) Managing personal care needs; or

(c) Developing necessary skills to deal with care providers.

(4) Transportation services, when the service:

(a) Provides access to community services and resources to meet a therapeutic goal;

(b) Is not diverting in nature;

(c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community; and

(d) Does not replace the services required by DSHS contract in residential facilities.

(5) Skilled nursing, when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;

(b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 388-551-2100; and

(c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310).

(6) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

(a) Nursing assessment/reassessment;

(b) Instruction to you and your providers;

(c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.

(e) File review; and/or

(f) Evaluation of health-related care needs affecting service plan and delivery.

(7) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to live in a residential facility. Services:

(a) May include: Safety deposits, utility set up fees or deposits, health and safety assurances such as pest eradication, allergen control or one time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution.

(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.

(8) Adult day health services as described in WAC 388-71-0706 when you are:

(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714, and:

(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;

(ii) You are at risk for deteriorating health deteriorating functional ability, or institutionalization; and

(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment.

(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met.

(c) You are not eligible for adult day health if you:

(i) Can independently perform or obtain the services provided at an adult day health center;

(ii) Have referred care needs that:

(A) Exceed the scope of authorized services that the adult day health center is able to provide;

(B) Do not need to be provided or supervised by a licensed nurse or therapist;

(C) Can be met in a less structured care setting;

(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;

(E) Live in a nursing home or other institutional facility; or

(F) Are not capable of participating safely in a group care setting.

(9) Adult comprehensive dental services as defined in WAC 182-535-1050 through 182-535-1550, when you are age twenty-one or older, and the service is not covered by medicaid state plan services.

(a) The services do not cover crowns, endodontics, orthodontics, and oral surgeries not related to preventive or restorative oral health.

(b) All payments to providers will be made by the health care authority under chapter 182-535 WAC.

WSR 13-22-009

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 13-276—Filed October 25, 2013, 4:54 p.m., effective November 1, 2013, 12:01 p.m.]

Effective Date of Rule: November 1, 2013, 12:01 p.m.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-36000B; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Survey results show that adequate razor clams are available for harvest in Razor Clam Areas 1, 3, 4 and 5. Washington department of health has certified clams from these beaches are safe for human consumption. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2013.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-56-36000B Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 3, 4, or 5, except as provided in this section:

(1) Effective 12:01 p.m. November 2 through 11:59 p.m. November 5, 2013, razor clam digging is allowed in Razor Clam Area 1. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

(2) Effective 12:01 p.m. November 1 through 11:59 p.m. November 8, 2013, razor clam digging is allowed in Razor Clam Area 3. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

(3) Effective 12:01 p.m. November 2 through 11:59 p.m. November 2, 2013, razor clam digging is allowed in Razor Clam Area 4. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

(4) Effective 12:01 p.m. November 2 through 11:59 p.m. November 4, 2013, razor clam digging is allowed in Razor Clam Area 5. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

(5) It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries as defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 9, 2013:

WAC 220-56-36000B Razor clams—Areas and seasons. (13-276)

**WSR 13-22-010
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-278—Filed October 28, 2013, 9:55 a.m., effective October 28, 2013, 9:55 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-41100W; and amending WAC 220-47-411.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable surplus of salmon is available in Puget Sound Salmon Management [and] Catch Reporting Area 6D for a commercial gillnet opening. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2013.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-47-41100W Gillnet—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the areas and open periods indicated below. Unless otherwise amended, all permanent rules remain in effect.

Open Areas	Open Periods
6D	7 AM – 7 PM daily 10/28 through 11/1/2013

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. November 1, 2013:

WAC 220-47-41100W Gillnet—Open periods.

WSR 13-22-015
EMERGENCY RULES
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed October 28, 2013, 11:49 a.m., effective November 1, 2013]

Effective Date of Rule: November 1, 2013.

Purpose: Strike subsection (5) of WAC 182-557-0050 Health homes—General.

Citation of Existing Rules Affected by this Order: Amending WAC 182-557-0050.

Statutory Authority for Adoption: RCW 41.05.021, SSB 5394.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The language in WAC 182-557-0050(5) is not approved by the Centers for Medicare and Medicaid Services in the agency's state plan. State receipt of federal funds could be jeopardized without immediate adoption of this rule. This emergency rule is necessary to continue the current emergency rule adopted under WSR 13-14-117. The permanent rule-making process is complete and was filed on October 11, 2013, under WSR 13-21-048. However, the current emergency rules expire on October 31, 2013, and the permanent rules do not take effect until November 11, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 28, 2013.

Kevin M. Sullivan
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-12-002, filed 5/22/13, effective 7/1/13)

WAC 182-557-0050 Health home—General. (1) The agency's health home program provides patient-centered care to beneficiaries who:

(a) Have a least one chronic condition as defined in WAC 182-557-0100;

(b) Be at risk of a second chronic condition with a minimum predictive risk score of 1.5; and

(c) Are at risk for high health costs, avoidable admissions to institutional care settings, and poor health outcomes.

(2) Health homes offer six care coordination activities to assist the beneficiary in self-managing his or her condition and navigating the health care system:

(a) Comprehensive or intensive care management including, but not limited to, assessing participant's readiness for self-management, promoting self-management skills, coordinating interventions tailored to meet the beneficiary's needs, and facilitating improved outcomes and appropriate use of health care services;

(b) Care coordination and health promotion;

(c) Comprehensive transitional care between care settings including, but not limited to, after discharge from an inpatient facility (hospital, rehabilitative, psychiatric, skilled nursing, substance use disorder treatment or residential habilitation setting);

(d) Individual and family support services to provide health promotion, education, training and coordination of covered services for beneficiaries and their support network;

(e) Referrals to community and support services; and

(f) Use of health information technology (HIT) to link services between the health home and beneficiaries' providers.

(3) The agency's health home program does not:

(a) Change the scope of services for which a beneficiary is eligible under medicare or a Title XIX medicaid program;

(b) Interfere with the relationship between a beneficiary and his or her chosen agency-enrolled provider(s);

(c) Duplicate case management activities the beneficiary is receiving from other providers or programs; or

(d) Substitute for established activities that are available through programs administered through the agency or other state agencies.

(4) Qualified health home providers must:

(a) Contract with the agency to provide services under this chapter to eligible beneficiaries;

(b) Accept the terms and conditions in the agency's contract;

(c) Be able to meet the network and quality standards established by the agency;

(d) Accept the rates established by the agency; and

(e) Comply with all applicable state and federal requirements.

~~((5) The agency reserves the right to not contract with any otherwise qualified health home provider.))~~

**WSR 13-22-016
EMERGENCY RULES
BUILDING CODE COUNCIL**

[Filed October 28, 2013, 1:53 p.m., effective October 28, 2013, 1:53 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amendment of chapter 51-11C WAC, 2012 Washington State Energy Code, Section 301: To merge Ferry, Okanogan, Pend Oreille and Stevens counties into Climate Zone 5B rather than in 6B.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-30100.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.074.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This is a continuation of this emergency rule, originally filed as WSR 13-14-069. The state building code council (council) is currently going through the process of adopting a permanent rule, but the permanent rule will not be effective until April 2014 at the earliest.

DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT EMERGENCY RULE MAKING

The council, based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The council adopted and amended the 2012 edition of the International Energy Efficiency Code (IECC) effective July 1, 2013. The IECC contains regulations based on climate zones developed by the United States Department of Energy, breaking the nation into eight zones. Washington state is predominately within Climate Zones 4 Marine and 5. There are four counties that fall within Climate Zone 6. Under the previous Washington State Energy Code, these four counties were included in the same zone as Spokane County, and shared training and other resources.

The council was petitioned by elected and appointed officials within these four counties to assign these counties to the same climate zone as Spokane County, to alleviate any negative economic impact on the people and businesses located in the four counties.

The council concluded that it is in the best interest of the general welfare of the state of Washington to move Ferry, Okanogan, Pend Oreille and Stevens counties into Climate Zone 5B.

The council initiated a permanent rule for this action, but the permanent rule will not become effective until April 1, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 28, 2013.

C. Ray Allhouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-30100 Section C301—Climate zones.

C301.1 General. Climate zones from Table C301.1 shall be used in determining the applicable requirements from Chapter 4.

Table C301.1

Climate Zones and Moisture Regimes Designations by State and County

Key: A - Moist, B - Dry, C - Marine. Absence of moisture designation indicates moisture regime is irrelevant.

WASHINGTON

5B Adams	4C Grays Harbor	4C Pierce
5B Asotin	4C Island	4C San Juan
5B Benton	4C Jefferson	4C Skagit
5B Chelan	4C King	5B Skamania
4C Clallam	4C Kitsap	4C Snohomish
4C Clark	5B Kittitas	5B Spokane
5B Columbia	5B Klickitat	((6B)) <u>5B</u> Stevens
4C Cowlitz	4C Lewis	4C Thurston
5B Douglas	5B Lincoln	4C Wahkiakum
((6B)) <u>5B</u> Ferry	4C Mason	5B Walla Walla
5B Franklin	((6B)) <u>5B</u> Okanogan	4C Whatcom
5B Garfield	4C Pacific	5B Whitman
5B Grant	((6B)) <u>5B</u> Pend Oreille	5B Yakima

**WSR 13-22-017
EMERGENCY RULES
BUILDING CODE COUNCIL**

[Filed October 28, 2013, 1:56 p.m., effective October 28, 2013, 1:56 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amendment of chapter 51-11C WAC, 2012 Washington State Energy Code, Section 402.3.1: Add a prescriptive path allowance for glazing over thirty percent of wall area with high performance glazing.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11C-40231, 51-11C-402131, 51-11C-402133, and 51-11C-402134.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.074.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This is a continuation of this emergency rule, originally filed as WSR 13-14-070. The state building code council (council) is currently going through the process of adopting a permanent rule, but the permanent rule will not be effective until April 2014 at the earliest.

DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT EMERGENCY RULE MAKING

The council, based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The council adopted and amended the 2012 edition of the International Energy Efficiency Code (IECC) effective July 1, 2013. The IECC limits the amount of glazing permitted in commercial buildings using the prescriptive method of building to thirty percent of the gross above grade wall area. There is an allowance to increase to forty percent if at least half of the area is within the daylight zone, but this is difficult to achieve with high rise building projects that have floor layouts and sections of opaque walls that cannot be glazed due to shared property lines or other site constraints. This change represents a decrease of twenty-five percent of the glazing permitted under the 2009 energy code.

The council was petitioned to allow an alternative method of compliance to increase the glazing percentage if fenestration material of a lower U-factor is used. This would allow a continuation of current building practices modified slightly to achieve more energy savings than under the 2009 code while still remaining economically viable. Many land use zones require high glazing percentages or transparency requirements for retail and other street level amenities. This

forces glazing down to the ground level and takes away glazing from the other floors of the building.

The council concluded that it is in the best interest of the general welfare of the state of Washington to create another compliance path within the Washington State Energy Code for commercial buildings.

The council initiated a permanent rule for this action, but the permanent rule will not become effective until April 1, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 4, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 28, 2013.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-402131 Equation C402-1—Target UA_t

**Equation C402-1
Target UA_t**

$$UA_t = U_{radt}A_{radt} + U_{mrt}A_{mrt} + U_{rat}A_{rat} + U_{mwt}(A_{mwt} + A_{mwbgt}) + U_{mbwt}(A_{mbwt} + A_{mbwbgt}) + U_{sftw}(A_{sftw} + A_{sftwbgt}) + U_{wftw}(A_{wftw} + A_{wftwbgt}) + U_{fnt}A_{fnt} + U_{fjt}A_{fjt} + F_{st}P_{st} + F_{srt}P_{srt} + U_{dst}A_{dst} + U_{drt}A_{drt} + U_{vgt}A_{vgt} + U_{vgmt}A_{vgmt} + U_{vgmot}A_{vgmot} + U_{vgdt}A_{vgdt} + U_{ogt}A_{ogt}$$

UA_{(a)t} = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

U_{radt} = The thermal transmittance value for roofs with the insulation entirely above deck found in Table C402.1.2.

U_{mrt} = The thermal transmittance value for metal building roofs found in Table C402.1.2.

- U_{rat} = The thermal transmittance value for attic and other roofs found in Table C402.1.2.
- U_{mwt} = The thermal transmittance value for opaque mass walls found in Table C402.1.2.
- U_{mbwt} = The thermal transmittance value for opaque metal building walls found in Table C402.1.2.
- U_{sfwt} = The thermal transmittance value for opaque steel-framed walls found in Table C402.1.2.
- U_{wfw} = The thermal transmittance value for opaque wood framed and other walls found in Table C402.1.2.
- U_{fmt} = The thermal transmittance value for mass floors over unconditioned space found in Table C402.1.2.
- U_{fjt} = The thermal transmittance value for joist floors over unconditioned space found in Table C402.1.2.
- F_{st} = The F-factor for slab-on-grade floors found in Table C402.1.2.
- F_{srt} = The F-factor for radiant slab floors found in Table C402.1.2.
- U_{dst} = The thermal transmittance value for opaque swinging doors found in Table C402.2.
- U_{drt} = The thermal transmittance value for opaque roll-up or sliding doors found in Table C402.2.
- U_{vgt} = The thermal transmittance value for vertical fenestration with nonmetal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. * Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.
- U_{vgmt} = The thermal transmittance value for vertical fenestration with fixed metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. * Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.

- U_{vgmot} = The thermal transmittance value for vertical fenestration with operable metal framing found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. * Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.
- U_{vgdt} = The thermal transmittance value for entrance doors found in Table C402.3 which corresponds to the proposed vertical fenestration area as a percent of gross exterior wall area. * Buildings utilizing Section C402.3.1.3 shall use the thermal transmittance value specified there.
- U_{ogt} = The thermal transmittance for skylights found in Table C402.3 which corresponds to the proposed skylight area as a percent of gross exterior roof area.
- A_{fmt} = The proposed mass floor over unconditioned space area, A_{fm} .
- A_{fjt} = The proposed joist floor over unconditioned space area, A_{fj} .
- P_{st} = The proposed linear feet of slab-on-grade floor perimeter, P_s .
- P_{srt} = The proposed linear feet of radiant slab floor perimeter, P_{rs} .
- A_{dst} = The proposed opaque swinging door area, A_{ds} .
- A_{drt} = The proposed opaque roll-up or sliding door area, A_{dr} .

and

If the vertical fenestration area as a percent of gross above-grade exterior wall area does not exceed the maximum allowed in Section C402.3.1.3:

- A_{mwt} = The proposed opaque above grade mass wall area, A_{mw} .
- A_{mwbgt} ≡ The proposed opaque above grade mass wall area, A_{mw} .
- A_{mbwt} = The proposed opaque above grade metal building wall area, A_{mbw} .
- A_{mbwbgt} ≡ The proposed opaque above grade metal building wall area, A_{mbwbg} .
- A_{sfwt} = The proposed opaque above grade steel framed wall area, A_{mfw} .

- A_{sfwbgt} \equiv The proposed opaque above grade steel framed wall area, A_{mfwbgt} .
- A_{wfw} = The proposed opaque above grade wall wood framed and other area, A_{wfwbg} .
- A_{wfwbgt} \equiv The proposed opaque above grade wall wood framed and other area, A_{wfwbg} .
- A_{vgt} = The proposed vertical fenestration area with nonmetal framing, A_{vg} .
- A_{vgmt} = The proposed vertical fenestration area with fixed metal framing, A_{vgm} .
- A_{vgmot} = The proposed vertical fenestration area with operable metal framing, A_{vgmo} .
- A_{vgdt} = The proposed entrance door area, A_{vgd} .

or

For buildings utilizing Section C402.3.1.3, vertical fenestration area as a percent of gross exterior above-grade wall may not exceed the amount allowed by that section. For all other buildings, if the vertical fenestration area as a percent of gross above-grade exterior wall area exceeds the maximum allowed in Section C402.3.1, the area of each vertical fenestration element shall be reduced in the base envelope design by the same percentage and the net area of each above-grade wall type increased proportionately by the same percentage so that the total vertical fenestration area is exactly equal to the allowed percentage per Section C402.3.1 of the gross above-grade wall area. The target wall area of a given wall type shall be the sum of the proposed below grade area and the increased above-grade area.

and

If the skylight area as a percent of gross exterior roof area does not exceed the maximum allowed in Section C402.3.1:

- A_{radt} = The proposed roof area with insulation entirely above the deck, A_{rad} .
- A_{mrt} = The proposed roof area for metal buildings, A_{mr} .
- A_{rat} = The proposed attic and other roof area, A_{or} .
- A_{ogat} = The proposed skylight area, A_{ogor} .

or

If the skylight area as a percent of gross exterior roof area exceeds the maximum allowed in Section C402.3.1, the area of each skylight element shall be reduced in the base envelope design by the same percentage and the net area of each roof type increased proportionately by the same percentage so that the total skylight area is exactly equal to the allowed percentage per Section C402.3.1 of the gross roof area.

*NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-402133 Equation C402-3—Target SHGCA_t.

**Equation C402-3
Target SHGCA_t**

$$SHGCA_t = SHGC_{ogt}(A_{ogor}) + SHGC_{vgt}(A_{ogt} + A_{vgt} + A_{vgmt} + A_{vgmot} + A_{vgdt})$$

Where:

- $SHGCA_t$ = The target combined ((specific)) solar heat gain of the target fenestration area.
- $SHGC_{ogt}$ \equiv The solar heat gain coefficient for skylight fenestration found in Table C402.3, and A_{ogt} , as defined in Equation C402-1.
- $SHGC_{vgt}$ = The solar heat gain coefficient for vertical fenestration found in Table C402.3 which corresponds to the proposed total fenestration area as a percent of gross exterior wall area, and ((A_{ogt})) A_{vgt} , A_{vgmt} , A_{vgmot} and A_{vgdt} are defined under Equation C402-1. Buildings utilizing Section C402.3.1.3 shall use the SHGC value specified there. The SHGC may be adjusted for projection factors per the requirements of Section C402.3.3.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-402134 Equation C402-4—Proposed SHGCA_p.

**Equation C402-4
Proposed SHGCA_p**

$$\text{SHGCA}_p = \text{SHGC}_{og}A_{og} + \text{SHGC}_{vg}A_{vg}$$

Where:

SHGCA_t = The combined proposed ((specific)) solar heat gain of the proposed fenestration area.

SHGC_{og} = The solar heat gain coefficient of the skylights.

A_{og} = The skylight area.

SHGC_{vg} = The solar heat gain coefficient of the vertical fenestration.

A_{vg} = The vertical fenestration area.

NOTE: The vertical fenestration area does not include opaque doors and opaque spandrel panels.

AMENDATORY SECTION (Amending WSR 13-04-056, filed 2/1/13, effective 7/1/13)

WAC 51-11C-40231 Section C402.3.1—Maximum area.

C402.3.1 Maximum area. The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed 30 percent of the gross above-grade wall area. The skylight area shall not exceed 3 percent of the gross roof area.

C402.3.1.1 Increased vertical fenestration area with daylighting controls. In Climate Zones 1 through 6, a maximum of 40 percent of the gross above-grade wall area shall be permitted to be vertical fenestration, provided:

1. No less than 50 percent of the conditioned floor area is within a daylight zone;
2. Automatic daylighting controls are installed in daylight zones; and
3. Visible transmittance (VT) of vertical fenestration is greater than or equal to 1.1 times solar heat gain coefficient (SHGC).

EXCEPTION: Fenestration that is outside the scope of NFRC 200 is not required to comply with Item 3.

C402.3.1.2 Increased skylight area with daylighting controls. The skylight area shall be permitted to be a maximum of 5 percent of the roof area provided automatic daylighting controls are installed in daylight zones under skylights.

C402.3.1.3 Increased vertical fenestration area with high-performance fenestration. The vertical fenestration area (not including opaque doors and opaque spandrel panels) is permitted to exceed 30 percent but shall not exceed 40 per-

cent of the gross above grade wall area, for the purpose of prescriptive compliance with Section C402.1.2 or for the Target UA calculation in Equation C402-1, provided that each of the following conditions are met:

1. The vertical fenestration shall have the following U-factors:

a. Nonmetal framing (all) = 0.28

b. Metal framing (fixed) = 0.34

c. Metal framing (operable) = 0.36

d. Metal framing (entrance doors) = 0.60

2. The SHGC of the vertical fenestration shall be less than or equal to 0.35, adjusted for projection factor in compliance with C402.3.3.1.

The compliance path described in this section is not permitted to be used for the Total Building Performance compliance path in Section C407.

WSR 13-22-018

**EMERGENCY RULES
BUILDING CODE COUNCIL**

[Filed October 28, 2013, 3:04 p.m., effective October 28, 2013, 3:04 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amendment of chapter 51-11R WAC, 2012 Washington State Energy Code, Section 301: To merge Ferry, Okanogan, Pend Oreille and Stevens counties into Climate Zone 5B rather than in 6B.

Citation of Existing Rules Affected by this Order: Amending WAC 51-11R-30100.

Statutory Authority for Adoption: RCW 19.27A.025, 19.27A.045.

Other Authority: RCW 19.27.074.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This is a continuation of this emergency rule, originally filed as WSR 13-14-069. The state building code council (council) is currently going through the process of adopting a permanent rule, but the permanent rule will not be effective until April 2014 at the earliest.

**DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT
EMERGENCY RULE MAKING**

The council, based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The council further finds that immediate amendment of a certain council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The council adopted and amended the 2012 edition of the International Energy Efficiency Code (IECC) effective July 1, 2013. The IECC contains regulations based on climate

zones developed by the United States Department of Energy, breaking the nation into eight zones. Washington state is predominately within Climate Zones 4 Marine and 5. There are four counties that fall within Climate Zone 6. Under the previous Washington State Energy Code, these four counties were included in the same zone as Spokane County, and shared training and other resources.

The council was petitioned by elected and appointed officials within these four counties to assign these counties to the same climate zone as Spokane County, to alleviate any negative economic impact on the people and businesses located in the four counties.

The council concluded that it is in the best interest of the general welfare of the state of Washington to move Ferry, Okanogan, Pend Oreille and Stevens counties into Climate Zone 5B.

The council initiated a permanent rule for this action, but the permanent rule will not become effective until April 1, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 28, 2013.

C. Ray Allshouse
Council Chair

AMENDATORY SECTION (Amending WSR 13-04-055, filed 2/1/13, effective 7/1/13)

WAC 51-11R-30100 Section R301—Climate zones.

R301.1 General. Climate zones from Table R301.1 shall be used in determining the applicable requirements from Chapter 4. Locations not in Table R301.1 (outside the United States) shall be assigned a climate zone based on Section R301.3.

R301.2 Warm humid counties. Warm humid counties are identified in Table R301.1 by an asterisk.

R301.3 International climate zones. The climate zone for any location outside the United States shall be determined by applying Table R301.3(1) and then Table R301.3(2).

**TABLE R301.1
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID
DESIGNATIONS BY STATE AND COUNTY**

Key: A - Moist, B - Dry, C - Marine. Absence of moisture designation indicates moisture regime is irrelevant. Asterisk (*) indicates a warm-humid location.

WASHINGTON		
5B Adams	4C Grays Harbor	4C Pierce
5B Asotin	4C Island	4C San Juan
5B Benton	4C Jefferson	4C Skagit
5B Chelan	4C King	5B Skamania
4C Clallam	4C Kitsap	4C Snohomish
4C Clark	5B Kittitas	5B Spokane
5B Columbia	5B Klickitat	((6B)) 5B Stevens
4C Cowlitz	4C Lewis	4C Thurston
5B Douglas	5B Lincoln	4C Wahkiakum
((6B)) 5B Ferry	4C Mason	5B Walla Walla
5B Franklin	((6B)) 5B Okanogan	4C Whatcom
5B Garfield	4C Pacific	5B Whitman
5B Grant	((6B)) 5B Pend Oreille	5B Yakima

**WSR 13-22-021
RECISSION OF EMERGENCY RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Filed October 29, 2013, 7:30 a.m.]

The insurance commissioner is withdrawing the CR-103E Emergency rule making for R 2013-20 Nonassociation health plan market transition rules, filed on August 21, 2013, and published by the code reviser in WSR 13-17-098.

Mike Kreidler

**WSR 13-22-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-283—Filed October 29, 2013, 3:42 p.m., effective October 30, 2013]

Effective Date of Rule: October 30, 2013.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-30700J; and amending WAC 220-47-307.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A purse seine closure of a portion of Salmon Management and Catch Reporting Area 12 is necessary per agreement with tribes regarding Hood Canal fall chum management and in-season run-size updates. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 29, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-47-30700J Closed areas—Puget Sound salmon. Notwithstanding the provisions of WAC 220-47-307, effective October 30, 2013, it is unlawful to take, fish for, or possess salmon taken for commercial purposes with purse seine gear in that portion of Puget Sound Salmon Management and Catch Reporting Area 12 north and east of a line from 47°50'20"N and 122°37'16"W, projected across the canal to a point at 47°51'22"N and 122°39'7"W, then projected true north to the shoreline.

REPEALER

The following section of the Washington Administrative Code is repealed effective October 31, 2013:

WAC 220-47-30700J Closed areas—Puget Sound salmon.

WSR 13-22-030
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 30, 2013, 10:32 a.m., effective November 1, 2013]

Effective Date of Rule: November 1, 2013.

Purpose: The department is amending the following WACs to implement annual adjustments to standards for the Washington Basic Food program: WAC 388-412-0015 General information about your food assistance allotments and 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?

This emergency rule making supersedes the emergency rule making filed on October 1, 2013, as WSR 13-20-079.

New amendments have been made to WAC 388-478-0060 and 388-412-0015, effective November 1, 2013.

Citation of Existing Rules Affected by this Order: Amending WAC 388-412-0015, 388-478-0060, 388-450-0185, 388-450-0190, 388-450-0195, and 388-492-0070.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Other Authority: United States Department of Agriculture, Food and Nutrition Service (FNS), per supplemental nutrition assistance program (SNAP) Administrative Notice 13-26: *SNAP - Fiscal Year (FY) 2014 Cost-of-Living Adjustments (COLAS) and ARRA Sunset Impact on Allotments* dated August 2, 2013.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The proposed amendments update Basic Food standards for federal FY 2014 in order to comply with requirements of the United States Department of Agriculture, FNS, per SNAP Administrative Notice 13-26: *SNAP - Fiscal Year (FY) 2014 Cost-of-Living Adjustments (COLAS) and ARRA Sunset Impact on Allotments* dated August 2, 2013, and FNS Talking Points for States to Use dated August 7, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 6, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: October 14, 2013.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-18-024, filed 8/27/12, effective 9/27/12)

WAC 388-412-0015 General information about your food assistance allotments. (1) Your monthly allotment under the Washington Basic Food program, food assistance program for legal immigrants (FAP), Washington combined application project (WASHCAP), or the transitional food assistance (TFA) programs is the total dollar value of benefits your assistance unit (AU) receives for a calendar month.

(2) How we determine monthly allotments:

- (a) We calculate your monthly allotment for federally funded Basic Food as described under WAC 388-450-0162;
- (b) We calculate your monthly allotment for state-funded food assistance as described under WAC 388-400-0050.

(3) Maximum allotment:

- (a) The maximum allotment for the number of people in your AU eligible for federally funded Basic Food benefits is described under WAC 388-478-0060.
- (b) The maximum allotment for the number of people in your AU eligible for state-funded FAP benefits is set by the legislature in the biennial operating budget as described in WAC 388-400-0050.

(4) Prorated benefits in the first month - If we determine you are eligible for food assistance, your first month's benefits are calculated from the date you applied through the end of the month of your application. This is called proration and is based on a thirty-day month:

- (a) If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.
- (b) If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055.

(5) Combined allotment for first and second month's benefits - If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for food assistance, we issue both the first and second months benefits in one allotment if you are eligible for both months.

(6) Minimum allotment - Unless it is the first month of your certification period and your benefits are prorated as described in subsection (4) of this section, your monthly allotment will be at least:

- (a) ~~((Sixteen))~~ Fifteen dollars if your AU has one or two members, and at least one person is eligible for federally funded Basic Food.
- (b) ~~((Eight))~~ Eleven dollars if your AU has one or two members, and all members of your AU are eligible for state-funded FAP.

(7) Use of food assistance benefits - Your food assistance benefits may only be used to buy eligible food items as described under WAC 388-412-0046. If you use your benefits in any other way, it is an intentional program violation under WAC 388-446-0015 and could result in fines, imprisonment, disqualification from receiving food assistance benefits, or any combination of these penalties.

AMENDATORY SECTION (Amending WSR 12-24-018, filed 11/27/12, effective 12/28/12)

WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits? We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

- (1) A standard deduction based on the number of eligible people in your AU under WAC 388-408-0035:

Eligible AU members	Standard deduction
1	\$ ((149)) <u>152</u>
2	\$ ((149)) <u>152</u>
3	\$ ((149)) <u>152</u>
4	\$ ((160)) <u>163</u>
5	\$ ((187)) <u>191</u>
6 or more	\$ ((214)) <u>219</u>

- (2) Twenty percent of your AU's gross earned income (earned income deduction);
- (3) Your AU's expected monthly dependent care expense needed for an AU member to:
 - (a) Keep work, look for work, or accept work;
 - (b) Attend training or education to prepare for employment; or
 - (c) Meet employment and training requirements under chapter 388-444 WAC.
- (4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.
- (5) A portion of your shelter costs as described in WAC 388-450-0190.

AMENDATORY SECTION (Amending WSR 13-11-103, filed 5/20/13, effective 6/20/13)

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

- (1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:
 - (a) Monthly rent, lease, and mortgage payments;
 - (b) Property taxes;
 - (c) Homeowner's association or condo fees;
 - (d) Homeowner's insurance for the building only;
 - (e) Utility allowance your AU is eligible for under WAC 388-450-0195;
 - (f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;
 - (g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:
 - (i) AU intends to return to the home;

(ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and

(iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (4) from your AU's gross income. The result is your AU's ~~((net))~~ countable income.

(3) Finally, we subtract one-half of your AU's ~~((net))~~ countable income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of four hundred ~~((sixty-nine))~~ seventy-eight dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred ~~((sixty-nine))~~ seventy-eight dollars.

AMENDATORY SECTION (Amending WSR 11-24-027, filed 12/1/11, effective 1/1/12)

WAC 388-450-0195 Does the department use my utility costs when calculating my Basic Food or WASH-CAP benefits? (1) We use a standard utility allowance (SUA) of ~~((three hundred ninety four))~~ four hundred nine dollars instead of your actual utility costs when we determine your assistance unit's:

(a) Monthly benefits under WAC 388-492-0070 if you receive WASHCAP; or

(b) Shelter cost income deduction under WAC 388-450-0190 for Basic Food.

(2) We considered the average cost of the following utilities to determine the value of the SUA:

(a) Heating and cooling fuel such as electricity, oil, or gas;

(b) Electricity;

(c) Water and sewer;

(d) Well or septic tank installation/maintenance;

(e) Garbage/trash collection; and

(f) Telephone service.

(3) The department uses the SUA if you have utility costs separate from your rent or mortgage payment or if you receive a low income home energy assistance program (LIHEAP) benefit during the year.

AMENDATORY SECTION (Amending WSR 12-24-018, filed 11/27/12, effective 12/28/12)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE ((10-1-2012)) <u>11-1-2013</u>				
Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$(1,211)) <u>1,245</u>	\$(931)) <u>958</u>	\$(200)) <u>189</u>	\$(1,536)) <u>1,580</u>
2	((1,640)) <u>1,681</u>	((1,261)) <u>1,293</u>	((367)) <u>347</u>	((2,081)) <u>2,133</u>
3	((2,069)) <u>2,116</u>	((1,591)) <u>1,628</u>	((526)) <u>497</u>	((2,625)) <u>2,686</u>
4	((2,498)) <u>2,552</u>	((1,921)) <u>1,963</u>	((668)) <u>632</u>	((3,170)) <u>3,239</u>
5	((2,927)) <u>2,987</u>	((2,251)) <u>2,298</u>	((793)) <u>750</u>	((3,714)) <u>3,791</u>
6	((3,356)) <u>3,423</u>	((2,581)) <u>2,633</u>	((952)) <u>900</u>	((4,259)) <u>4,344</u>
7	((3,785)) <u>3,858</u>	((2,911)) <u>2,968</u>	((1,052)) <u>995</u>	((4,803)) <u>4,897</u>
8	((4,214)) <u>4,294</u>	((3,241)) <u>3,303</u>	((1,202)) <u>1,137</u>	((5,348)) <u>5,450</u>
9	((4,643)) <u>4,730</u>	((3,571)) <u>3,638</u>	((1,352)) <u>1,279</u>	((5,893)) <u>6,003</u>
10	((5,072)) <u>5,166</u>	((3,901)) <u>3,973</u>	((1,502)) <u>1,421</u>	((6,438)) <u>6,556</u>
Each Additional Member	+((429)) <u>436</u>	+((330)) <u>335</u>	+((150)) <u>142</u>	+((545)) <u>553</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.

AMENDATORY SECTION (Amending WSR 11-13-028, filed 6/7/11, effective 7/1/11)

WAC 388-492-0070 How are my WASHCAP food benefits calculated? We calculate your food benefits as follows:

- (1) We begin with your gross income.
- (2) We subtract the current standard deduction for one person under WAC 388-450-0185 from your gross income to get your countable income.
- (3) We figure your shelter cost based on information we receive from the Social Security Administration (SSA), unless you report a change as described under WAC 388-492-0080. If you pay:
 - (a) Three hundred dollars or more a month for shelter, we use ~~((three hundred eighty))~~ four hundred dollars as your shelter cost; or
 - (b) Less than three hundred dollars for shelter, we use ~~((one hundred ninety five))~~ two hundred and ten dollars as your shelter cost; and
 - (c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.
- (4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.
- (5) We figure your net income by subtracting your shelter deduction from your countable income and rounding the resulting figure up from fifty cents and down from forty-nine cents to the nearest whole dollar.
- (6) We figure your WASHCAP food benefits (allotment) by:
 - (a) Multiplying your net income by thirty percent and rounding up to the next whole dollar; and
 - (b) Subtracting the result from the maximum allotment under WAC 388-478-0060.
 - (c) If you are eligible for WASHCAP, you will get at least the minimum monthly benefit for Basic Food under WAC 388-412-0015.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-105-0005.

Statutory Authority for Adoption: RCW 74.39A.050 (3)(a).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In order to comply with the 2014-2015 biennial budget, the seventeen level payments for adult family homes must be adjusted. The adjusted rates will ensure adequate care for medicaid clients residing in adult family homes. This emergency rule supersedes the emergency filed as WSR 13-15-002. A CR-102 has been filed as WSR 13-22-038 and hearing is scheduled on December 10, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 29, 2013.

Katherine I. Vasquez
Rules Coordinator

WSR 13-22-039

**EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Behavioral Health and Service Integration Administration)
[Filed October 31, 2013, 10:27 a.m., effective October 31, 2013, 10:27 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To adjust the rate table in WAC 388-105-0005 in accordance with the 2014-2016 biennial budget (3ESSB 5034).

AMENDATORY SECTION (Amending WSR 13-03-093, filed 1/15/13, effective 2/15/13)

WAC 388-105-0005 The daily medicaid payment rates for clients assessed using the comprehensive assessment reporting evaluation (CARE) tool and that reside in adult family homes (AFH) and assisted living facilities contracted to provide assisted living (AL), adult residential care (ARC), and enhanced adult residential care (EARC) services. For contracted AFH and assisted living facilities contracted to provide AL, ARC, and EARC services, the department pays the following daily rates for care of a medicaid resident:

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
KING COUNTY					
CARE CLASSIFICATION	AL Without Capital		AL With Capital		AFH
	Add-on	Add-on	ARC	EARC	
A Low	\$65.58	\$71.00	\$46.51	\$46.51	\$(47.45)) <u>47.59</u>
A Med	\$70.97	\$76.39	\$52.71	\$52.71	\$(53.70)) <u>53.84</u>
A High	\$79.58	\$85.00	\$57.85	\$57.85	\$(59.96)) <u>60.10</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE
KING COUNTY

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
B Low	\$65.58	\$71.00	\$46.51	\$46.51	\$((47.68)) <u>47.82</u>
B Med	\$73.13	\$78.55	\$58.92	\$58.92	\$((60.25)) <u>60.39</u>
B Med-High	\$82.76	\$88.18	\$62.62	\$62.62	\$((64.48)) <u>64.62</u>
B High	\$87.10	\$92.52	\$71.52	\$71.52	\$((73.57)) <u>73.71</u>
C Low	\$70.97	\$76.39	\$52.71	\$52.71	\$((53.70)) <u>53.84</u>
C Med	\$79.58	\$85.00	\$66.05	\$66.05	\$((68.28)) <u>68.42</u>
C Med-High	\$98.96	\$104.38	\$87.89	\$87.89	\$((89.12)) <u>89.26</u>
C High	\$99.94	\$105.36	\$88.73	\$88.73	\$((90.35)) <u>90.49</u>
D Low	\$73.13	\$78.55	\$71.09	\$71.09	\$((69.58)) <u>69.72</u>
D Med	\$81.20	\$86.62	\$82.29	\$82.29	\$((84.93)) <u>85.07</u>
D Med-High	\$104.87	\$110.29	\$104.52	\$104.52	\$((101.98)) <u>102.12</u>
D High	\$112.97	\$118.39	\$112.97	\$112.97	\$((115.96)) <u>116.10</u>
E Med	\$136.43	\$141.85	\$136.43	\$136.43	\$((139.90)) <u>140.04</u>
E High	\$159.89	\$165.31	\$159.89	\$159.89	\$((163.85)) <u>163.99</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE
METROPOLITAN COUNTIES*

CARE CLASSIFICATION	AL Without Capital Add-on	AL With Capital Add-on	ARC	EARC	AFH
A Low	\$60.19	\$65.11	\$46.51	\$46.51	\$((47.45)) <u>47.59</u>
A Med	\$63.43	\$68.35	\$50.64	\$50.64	\$((51.61)) <u>51.75</u>
A High	\$77.43	\$82.35	\$55.18	\$55.18	\$((56.82)) <u>56.96</u>
B Low	\$60.19	\$65.11	\$46.51	\$46.51	\$((47.68)) <u>47.82</u>
B Med	\$68.80	\$73.72	\$55.82	\$55.82	\$((57.10)) <u>57.24</u>
B Med-High	\$77.88	\$82.80	\$59.33	\$59.33	\$((61.16)) <u>61.30</u>
B High	\$84.95	\$89.87	\$69.51	\$69.51	\$((71.52)) <u>71.66</u>
C Low	\$63.43	\$68.35	\$50.85	\$50.85	\$((51.99)) <u>52.13</u>
C Med	\$77.43	\$82.35	\$65.21	\$65.21	\$((66.64)) <u>66.78</u>
C Med-High	\$95.71	\$100.63	\$81.69	\$81.69	\$((82.88)) <u>83.02</u>
C High	\$96.67	\$101.59	\$86.87	\$86.87	\$((87.87)) <u>88.01</u>
D Low	\$68.80	\$73.72	\$70.12	\$70.12	\$((68.07)) <u>68.21</u>
D Med	\$79.00	\$83.92	\$80.65	\$80.65	\$((82.67)) <u>82.81</u>
D Med-High	\$101.44	\$106.36	\$101.95	\$101.95	\$((98.90)) <u>99.04</u>
D High	\$109.88	\$114.80	\$109.88	\$109.88	\$((112.22)) <u>112.36</u>

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
METROPOLITAN COUNTIES*					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
E Med	\$132.21	\$137.13	\$132.21	\$132.21	\$((135.04)) <u>135.15</u>
E High	\$154.54	\$159.46	\$154.54	\$154.54	\$((157.80)) <u>157.94</u>

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

COMMUNITY RESIDENTIAL DAILY RATES FOR CLIENTS ASSESSED USING CARE					
NONMETROPOLITAN COUNTIES**					
CARE CLASSIFICATION	AL Without Capital	AL With Capital	ARC	EARC	AFH
	Add-on	Add-on			
A Low	\$59.13	\$64.37	\$46.51	\$46.51	\$((47.45)) <u>47.59</u>
A Med	\$63.43	\$68.67	\$49.62	\$49.62	\$((50.58)) <u>50.72</u>
A High	\$77.43	\$82.67	\$54.30	\$54.30	\$((55.79)) <u>55.93</u>
B Low	\$59.13	\$64.37	\$46.51	\$46.51	\$((47.68)) <u>47.82</u>
B Med	\$68.80	\$74.04	\$54.79	\$54.79	\$((56.06)) <u>56.20</u>
B Med-High	\$77.88	\$83.12	\$58.22	\$58.22	\$((59.98)) <u>60.12</u>
B High	\$84.95	\$90.19	\$65.77	\$65.77	\$((67.70)) <u>67.84</u>
C Low	\$63.43	\$68.67	\$49.62	\$49.62	\$((50.58)) <u>50.72</u>
C Med	\$77.43	\$82.67	\$61.66	\$61.66	\$((64.13)) <u>64.27</u>
C Med-High	\$95.71	\$100.95	\$78.58	\$78.58	\$((79.76)) <u>79.90</u>
C High	\$96.67	\$101.91	\$82.13	\$82.13	\$((83.16)) <u>83.30</u>
D Low	\$68.80	\$74.04	\$66.30	\$66.30	\$((64.43)) <u>64.57</u>
D Med	\$79.00	\$84.24	\$76.26	\$76.26	\$((78.23)) <u>78.37</u>
D Med-High	\$101.44	\$106.68	\$96.38	\$96.38	\$((93.58)) <u>93.72</u>
D High	\$103.88	\$109.12	\$103.88	\$103.88	\$((106.16)) <u>106.30</u>
E Med	\$124.99	\$130.23	\$124.99	\$124.99	\$((127.70)) <u>127.84</u>
E High	\$146.10	\$151.34	\$146.10	\$146.10	\$((149.25)) <u>149.39</u>

** Nonmetropolitan counties: Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Orielle, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla and Whitman.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-22-042
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-277—Filed October 31, 2013, 3:22 p.m., effective October 31, 2013, 3:22 p.m.]

Effective Date of Rule: Immediately upon filing.
 Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-390.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency rule is needed to correct errors in WAC 220-56-390 for areas closed to octopus harvesting. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 31, 2013.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-56-39000D Squid, octopus Notwithstanding the provisions of WAC 220-56-390, effective immediately until further notice it is unlawful to take octopus in the following areas:

(1) **Alki Beach Seacrest Coves 1, 2 and 3.** Alki Beach Seacrest Coves 1, 2, and 3 are defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°22'37.34"W, 47°35'12.98"N; then northeasterly and offshore to 122°22'33.61"W, 47°35'16.10"N; then northwesterly to 122°22'51.20"W, 47°35'29.51"N; then returning to shore at 122°22'54.31"W, 47°35'28.81"N. This area does not include waters within 150 feet of the Seacrest Public Fishing Pier, as demarcated at the surface with buoys and on the sea floor by a perimeter line.

(2) **Les Davis.** Les Davis is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°29'07.21"W, 47°17'05.15"N; the northeasterly to 122°29'0.97"W, 47°17'10.57"N; then southeasterly to 122°28'54.09"W, 47°17'06.91"N; then returning to shore at 122°29'0.20"W, 47°17'01.48"N.

(3) **Days Island.** Days Island is defined as the waters, bed lands, and tidelands within the area described by a line starting from shore at 122°33'49.16"W, 47°14'07.49"N; then west to 122°34'01.41"W, 47°14'07.58"N; then north to 122°34'0.78"W, 47°14'41.73"N; then returning to shore at 122°33'40.74"W, 47°14'41.73"N.

(4) **Deception Pass.** Deception Pass is defined as the waters, bed lands, and tidelands east of a line starting at 122°39'48.07"W, 48°24'08.05"N; and north to 122°40'20.57"W, 48°25'16.15"N; then east to 122°40'09.63"W, 48°25'16.15"N; and west of a line starting

at 122°36'54.24"W, 48°24'29.52"N; and north to 122°36'54.73"W, 48°24'48.92"N.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-22-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-279—Filed November 1, 2013, 10:29 a.m., effective November 1, 2013, 10:29 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-95-100 and 220-95-110.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The permanent rules state that industry input must be sought before setting the maximum bid price. The recommendation of no maximum bids is supported by the department and the majority of license holders in both fisheries. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 1, 2013.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-95-10000A Sea urchin license reduction program. Notwithstanding the provisions of WAC 220-95-100, effective immediately, commercial sea urchin license holders wishing to sell their licenses may submit sales offers at any price. Unless otherwise amended, all permanent rules

remain in effect. Sales offers that that exceed the total dollar amount in the sea urchin buyback account will not be considered.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 220-95-11000A Sea cucumber license reduction program. Notwithstanding the provisions of WAC 220-95-110, effective immediately, commercial sea cucumber license holders wishing to sell their licenses may submit sales offers at any price. Unless otherwise amended, all permanent rules remain in effect. Sales offers that that exceed the total dollar amount in the sea urchin buyback account will not be considered.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 13-22-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-284—Filed November 1, 2013, 2:25 p.m., effective November 1, 2013, 2:25 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-95-11000A; and amending WAC 220-95-110.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The permanent rules state that industry input must be sought before setting the maximum bid price. The recommendation of no maximum bids is supported by the department and the majority of license holders in both fisheries. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 1, 2013.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-95-11000B Sea cucumber license reduction program. Notwithstanding the provisions of WAC 220-95-110, effective immediately, commercial sea cucumber license holders wishing to sell their licenses may submit sales offers at any price. Unless otherwise amended, all permanent rules remain in effect. Sales offers that that exceed the total dollar amount in the sea cucumber buyback account will not be considered.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-95-11000A Sea cucumber license reduction program. (13-279)

WSR 13-22-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 13-285—Filed November 4, 2013, 3:46 p.m., effective November 4, 2013, 3:46 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100E; and amending WAC 220-47-311.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.047, and 77.04.055.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is not enough nontreaty chum share remaining in Hood Canal for a purse seine opening. This creates uncertainty about purse seine effort and catches in South Sound. A reduction in hours is needed to

avoid exceeding the nontreaty share of South Sound chum. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 4, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-47-31100E Purse seine—Open periods. (1) Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the areas and open periods indicated below. Unless otherwise amended, all permanent rules remain in effect.

(a) Areas 10 and 11 will be open to purse seines on 11/5/2013 from 7 AM to 1 PM.

(b) Areas 12 and 12B will closed to purse seines on 11/5/2013.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 6, 2013:

WAC 220-47-31100E Purse seine—Open periods.

**WSR 13-22-074
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-286—Filed November 5, 2013, 2:13 p.m., effective November 5, 2013, 2:13 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend WAC 220-47-001 Puget Sound salmon—Quick reporting, to correct a WAC reference within the text of the rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-47-001.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: WAC 220-47-001 requires individuals participating in Puget Sound commercial salmon fisheries to comply with quick reporting requirements in WAC 220-69-240 Duties of commercial purchasers and receivers. The subsection reference to WAC 220-69-240 in WAC 220-47-001 should be to subsection (14), not subsection (12). An amendment to correct the permanent rule is currently in progress. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 5, 2013.

Philip Anderson
Director

NEW SECTION

WAC 220-47-00100B Puget Sound salmon—Quick reporting Effective immediately until further notice, WAC 220-47-001 is amended as follows:

All Puget Sound salmon fisheries are designated as "quick reporting required" fisheries and commercial purchasers and receivers must comply with the provisions of WAC 220-69-240(14).

**WSR 13-22-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 13-281—Filed November 5, 2013, 3:20 p.m., effective November 12, 2013]

Effective Date of Rule: November 12, 2013.

Purpose: Amend recreational fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B and 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.04.020, 77.12.045 and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Closes The Dalles pool for retention of white sturgeon. The catch guideline for The Dalles pool is expected to be reached. The regulation is consistent with Washington state action of September 12 and October 31, 2013. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 5, 2013.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Columbia River sturgeon. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective November 12 through December 31, 2013: It is unlawful to retain white sturgeon caught in those waters of the Columbia River and the adjacent tributaries from The Dalles Dam upstream to John Day Dam. Catch and release is allowed.

(2) Effective immediately through December 31, 2013: It is unlawful to retain white sturgeon caught in those waters of the Columbia River and the adjacent tributaries from the Wauna powerline crossing at river mile 40 near Cathlamet upstream to the sturgeon deadline at Bonneville Dam. Catch and release is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 12, 2013:

WAC 232-28-61900B Exceptions to statewide rules—Columbia River sturgeon. (13-261)

The following section of the Washington Administrative Code is repealed effective January 1, 2014:

WAC 232-28-61900S Exceptions to statewide rules—Columbia River sturgeon.